

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HUAWEI TECHNOLOGIES CO. LTD.,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC., et al.

Defendants.

**No. 2:20-cv-030-JRG**

Jury Trial Demanded

~~FILED UNDER SEAL~~  
PUBLIC VERSION

VERIZON BUSINESS NETWORK  
SERVICES, INC., et al.

Counterclaim-Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO. LTD.,  
et al.

Counterclaim-Defendants.

**JOINT MOTION FOR LEAVE TO AMEND THE JOINT PRETRIAL ORDER**

The Parties hereby jointly file this Motion for Leave to Amend the Joint Pretrial Order. In accordance with the Court's instructions in the Second Amended Docket Control Order, Dkt. 275 at 6, the parties jointly request leave to amend their contentions as set forth in the First Amended Joint Pretrial Order attached hereto as Exhibit A. In addition to minor clerical edits, the amendments include: amendments by Verizon to its identification of prior art assertions; the dropping by Verizon of claims 6, 15, and 16 of the '111 and '288 patents; the dropping by Huawei of its assertion of the '433 patent (and corresponding dropping by Verizon of its related

defenses); the dropping by Huawei of its assertion of the '151 patent (and corresponding dropping by Verizon of its related defenses); the dropping by Huawei of its assertion of the '253 patent (and corresponding dropping by Verizon of its related defenses); and the dropping by Huawei of its invalidity defenses under 35 U.S.C. §§ 102, 103, and 112 against Verizon's asserted patents.<sup>1</sup>

The parties have good cause for these amendments because they are unopposed, and because they are necessary to clarify and to reduce the disputes at issue in the forthcoming pretrial conference and trial. For example, these amendments render moot certain pretrial motions currently pending before the court: Verizon's Partial Motion for Summary Judgment of Validity of the Verizon Asserted Patents (Dkt. 251); the portion of Huawei's Motion to Strike and Exclude Certain Portions of the Expert Testimony of Dr. Paul Prucnal (Dkt. 252) that relates to Dr. Prucnal's opinions on the priority date of the '111 patent; and the portion of Verizon's Motion to Exclude the Testimony of James E. Malackowski (Dkt. 260) that relates to the '253 patent.

For these reasons, the Parties respectfully request the Court grant this motion.

Dated: June 9, 2021

Respectfully submitted,

/s/ Jason D. Cassady

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<sup>1</sup> Huawei intends to pursue invalidity under Sections 102 and 103 via its *inter partes* review petitions.

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COUNTERCLAIM DEFENDANTS HUAWEI  
TECHNOLOGIES USA, INC. AND  
FUTUREWEI TECHNOLOGIES, INC.**

/s/ Deepa Acharya

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served on all counsel via electronic mail on June 9, 2021.

/s/Jason D. Cassady

Jason D. Cassady

**CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL**

The undersigned certifies that the foregoing document is authorized to be filed under seal pursuant to the Protective Order submitted in this case.

/s/ Jason D. Cassady  
Jason D. Cassady

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel for Huawei and counsel for Verizon have conferred and that the relief requested herein is unopposed.

/s/ Jason D. Cassady  
Jason D. Cassady